

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA
ex rel. **TIMOTHY SALAZAR,**

Plaintiff,

v.

No. CV 13-0519 LAM/RHS

KATHY MCDONALD,

Defendant.

ORDER UNSEALING CASE AND DIRECTING SERVICE

THIS MATTER came before the Court upon the *United States' Notice of Election to Decline Intervention* (*Doc. 7*), filed December 24, 2013. The United States having declined to intervene in this action in relation to the relator's Complaint [*Doc. 1*] pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B);

IT IS HEREBY ORDERED that:

1. The Complaint [*Doc. 1*] be unsealed and served upon Defendant by the relator;
2. This Order and the United States' Notice of Election to Decline Intervention shall also be served by the relator upon Defendant along with service of the Complaint;
3. The seal shall be lifted as to all matters occurring in this action from and after the date of this Order, including this Order. All contents of the Court's file in this action filed prior to this Order, except for the Complaint, shall remain under seal and not be made public or served upon the defendant, except that the United States' Notice of Declination of Intervention shall be served by the relator on Defendant as provided in paragraph 2 of this Order;

4. The parties shall serve all pleadings filed in this action upon the United States, and shall supply the United States, at the United States' expense, copies of all deposition transcripts; all as provided for in 31 U.S.C. § 3730(c)(3). In addition, all orders of this Court shall be sent to counsel for the United States;

5. If the relator moves to amend the Complaint or files any other claim under the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3739 *et seq.*, such filing shall be done under seal pursuant to 31 U.S.C. § 3730(b), and the United States shall have the opportunity to investigate and determine whether to intervene with respect to any such amended complaint or other claim, as provided by 31 U.S.C. § 3730(b).

6. Pursuant to 31 U.S.C. § 3730(c)(3), the United States is entitled to move to intervene in this action at a later time;

7. Should the relator or Defendant propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval, pursuant to 31 U.S.C. § 3730(b)(1).

IT IS SO ORDERED.


LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE